

**GEORGIA STATE BOARD OF OPTOMETRY**  
**Board Meeting**  
**July 23, 2008**

The Georgia State Board of Optometry met Wednesday, July 23, 2008 at 10:00 a.m. In Room 107, at the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia.

**BOARD MEMBERS PRESENT**

Kay Royal, President  
R. Whitman Lord, Vice President

Bill Sharpton  
H. Kemp Jones

Dudley Christie

**STAFF MEMBERS PRESENT**

Sylvia Bond, *Executive Director*  
Gwen Dodson, *Administrative Assistant*  
Ellen Morris, *Board Secretary*  
Adrienne Price, *Legal/Discipline Nurse Consultant*

Wylencia Monroe, *Assistant Attorney General*  
Crystal Jackson, *Application Specialist*  
Davina Longshore-Ellis, *Exam Analyst*

President Royal established that a quorum was present and called the meeting to order at 10:01 a.m.

**APPROVAL OF AGENDA**

Dr. Christie moved, Dr. Sharpton seconded and the Board voted to approve the agenda as presented.

**APPROVAL OF MINUTES**

Dr. Jones moved, Dr. Christie seconded and the Board voted to approve the April 16, 2008 Board Meeting minutes.

Dr. Lord moved, Dr. Sharpton seconded and the Board voted to approve the June 18, 2008 Teleconference Minutes.

**EXECUTIVE DIRECTOR'S REPORT**

Mrs. Bond discussed with the Board new changes regarding travel that are to take place in July 2009 fiscal year.

**RULE 430-10-.01 - CERTIFICATION REQUIREMENTS**

Dr. Sharpton moved, Dr. Christie seconded and the Board voted to send a letter notifying Optometrists that did not respond to being TMOD certified of the consequences of their actions if prescribing medications.

**LEGAL SERVICES - PROPOSED TEMPORARY RULE**

Dr. Jones moved, Dr. Lord seconded and the Board voted to table until the October 2008 Board meeting.

**RULES HEARING - RULE 430-2-.09**

Dr. Jones moved, Dr. Lord seconded and the Board voted to adopt Rule 430-2-.09.

**NOTICE OF INTENT TO ADOPT A PROPOSED  
NEW RULE TO THE GEORGIA BOARD OF OPTOMETRY RULES  
CHAPTER 430-2; REGISTRATION, RULE 430-2-.09 TO REINSTATE A LAPSED LICENSE AND NOTICE OF  
PUBLIC HEARING**

**TO ALL INTERESTED PARTIES:**

Notice is hereby given that pursuant to the authority set forth below, the Georgia Board of Optometry (hereinafter "Board") proposes an new rule to the Georgia Board of Optometry Rules, Chapter 430; Rule 430-2-.09 To Reinstate a Lapsed License (herein after "proposed new rule").

This notice, together with an exact copy of the proposed new rule and a synopsis of the proposed new rule, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rule amendment, and a synopsis of the proposed rule amendment may be reviewed during normal business hours of 8:00 A.M. to 5:30 P.M., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. Copies may also be requested by contacting the Board office at (478) 207-2440.

A public hearing will be held at 10:30 a.m. on July 23, 2008 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendment.

At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for official record. Oral statements should be concise and will be limited to five (5) minutes per person. Written comments are welcome. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:30 P.M.) on July 14, 2008. Written comments should be addressed to Randall D Vaughn, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia State Board of Optometry, and 237 Coliseum Drive, Macon, Georgia 31217. Telephone (478) 207-2440 or fax (478) 207-1660.

The Board will consider the proposed new rule for adoption at a meeting scheduled to begin at 10:35 a.m. on July 23, 2008 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia State Board of Optometry has the authority to adopt a proposed new rule to Rule 430-2-.09 pursuant to authority contained in O.C.G.A. §§43-1-19, 43-30-1, 43-30-5 and 43-30-8.

At its conference call Board meeting on June 18, 2008, the Georgia State Board of Optometry voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.G.C.A. §§43-1-19, 43-30-1, 43-30-5 and 43-30-8.

Additionally, at the meeting, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§43-1-19, 43-30-1, 43-30-5 and 43-30-8 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a) (3) (A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of optometry.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with O.C.G.A. § 50-13-4

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Randall D Vaughn  
*Division Director*  
Professional Licensing Boards

Posted:

**SYNOPSIS OF PROPOSED NEW RULE TO THE  
GEORGIA BOARD OF OPTOMETRY RULES CHAPTER 430;  
RULE 430-2-.09, TO REINSTATE A LAPSED LICENSE**

**PURPOSE:** The purpose of this Rule is to provide directions to reinstate a lapsed license.

**MAIN FEATURES:** The main feature in this Rule is to outline requirements necessary to reactivate a lapsed license.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE GEORGIA  
BOARD OF OPTOMETRY RULES, CHAPTER 430; RULE 430-2-.09, TO REINSTATE A LAPSED LICENSE**

430-2-.09 To Reinstate a Lapsed License proposed a new rule as follows:

**430-2-.09 To Reinstate a Lapsed License.**

1. Any licensee whose license has been administratively revoked for non-renewal for any reason including failure, neglect or refusal to complete the bi-annual renewal process shall be required to apply for reinstatement of their license.

2. An applicant for reinstatement whose license is revoked by operation of law for failure to renew shall be subject to the application fee as well as penalty fees and accrued renewal fees as established by the Board.

3. The Board may consider reinstatement of a lapsed license when the following requirements have been met:

(a) Continuing Education requirements for the one biennium preceding the proposed reinstatement.

(b) Provides documentation of current CPR.

(c) Provides evidence of current liability insurance as defined by law.

(d) Has met qualifications for scope of practice that includes therapeutics licensure.

**Authority §§ O.G.C.A. §§43-1-19, 43-30-1, 43-30-5 and 43-30-8.**

**EXAM STATS - DAVINA LONGSHORE-ELLIS**

Ms. Longshore-Ellis presented the Optometry exam statistics to the Board.

**BOARD RESOLUTION**

Dr. Jones moved, Dr. Sharpton seconded and the Board voted that the Honorable Sonny Perdue appoint Georgianne Bearden as Consumer Board member.

The Resolution states:

*Whereas the Georgia State Board of Optometry is authorized by law to have a Consumer Member appointed by the Governor, and*

*Whereas, the member most recently appointed to that position resigned over a year ago, and  
Whereas no member has been appointed to replace that member, and*

*Whereas there have been occasions when a quorum was not present to transact business of the Board because of the vacant position, and*

*Whereas Mrs. Georgianne Bearden, having retired from the Georgia Optometric Association, is no longer associated with the profession, and*

*Whereas, Mrs. Georgianne Bearden, because of her twenty years experience of dealing with the profession of optometry, the laws and rules governing the profession of optometry, and with the public in representing the organization of record for the profession, has invaluable insight how best protect the public through Board service,*

*Now, therefore, we the sitting members of the Georgia State Board of Optometry, on this date July 23, 2008, do respectfully, and unanimously request the consideration of the appointment by the Honorable Governor Sonny Perdue of Mrs. Georgianne Bearden to serve as the Consumer Member of the Georgia State Board of Optometry.*

Dr. Jones moved, Dr. Lord seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. re-1-2(k)(1)(2), 43-1-19(h)(2)&(4), 43-1-2(k)(4) and 50-14-2(1) to discuss Applications, and to receive information from the Cognizant Report, Investigations and the Attorney General's Report. In favor of the motion were those present who included Board members, Kay Royal, Dudley Christie, and Bill Sharpton. The Board concluded Executive Session in order to vote on these matters and to continue with the public session.

### **ENFORCEMENT**

**OPT080011** - Dr. Jones moved, Dr. Lord seconded and the Board voted to schedule an investigative interview with the licensed optometrist and newly licensed dispensing optician and coordinate investigative interview with the Dispensing Optician Cognizant Board member.

**OPT07003** - Dr. Jones moved, Dr. Christie seconded and the Board moved to send a subpoena by certified mail; if no responses after 15 days of receipt refer to the Attorney General's Office for a Hearing or Public Consent order to include a fine of \$500.00 per record and 6 months suspension of license.

**OPT080017** - Dr. Christie moved, Dr. Sharpton seconded and the Board voted to close the case.

**OPT080007** - Dr. Sharpton moved, Dr. Lord seconded and the Board voted to schedule an Investigative Interview at the next Board meeting and request patients records on complaints.

**OPTI080028** - Dr. Jones moved, Dr. Christie seconded and the Board voted to close the case.

**OPTI080027** - Dr. Jones moved, Dr. Christie seconded and the Board voted to close the case.

**OPTI070013** - Dr. Lord moved, Dr. Sharpton seconded and the Board voted to close the case.

**OPTI080021** - Dr. Christie moved, Dr. Lord seconded and the Board voted to close the case.

**Patrick, Bonnie Sunny** - Dr. Jones moved, Dr. Christie seconded and the Board voted to accept the Cease and Desist Order.

**Diab, Mutlak Yaser** - Dr. Jones moved, Dr. Christie seconded and the Board voted to accept the Cease and Desist Order.

### **ARBO REPORT**

Dr. Sharpton discussed with the Board and gave the report from the recent ARBO Convention.

### **ATTORNEY GENERAL'S REPORT – WYLENCIA MONROE**

Dr. Jones moved, Dr. Christie seconded and the Board accepted the Attorney General's Report status/activity report as presented.

## DISCIPLINARY – ADRIENNE PRICE

**OPT080006** - Dr. Sharpton moved, Dr. Lord seconded and the Board voted to accept CE credit hours prior to signing of Public Consent order.

**OPT080031** - Dr. Christie moved, Dr. Jones seconded and the Board voted to refer to Investigations to issue a Cease and Desist order, request applicant for a detailed CE credit hours on the GOA Fall Conference workshop including Georgia jurisprudence attendance because the hours could not be verified on the OE Tracker website and request an investigative interview.

## APPROVED EXAMINATIONS

Dr. Christie moved, Dr. Lord seconded and the Board voted to ratify the following applications for licensure determined to have met licensure requirements issued for the month of June 2008.

<u>License #</u>	<u>Licensee</u>	<u>Issue Date</u>
OPT002454	Pruitt, Joseph Allan	06/12/2008
OPT002455	Rivera-Mojica, Omar	06/13/2008
OPT002456	Patel, Shreya A.	06/13/2008
OPT002457	Harris, Janis J.	06/17/2008
OPT002458	Morgan, Robert R.	06/18/2008
OPT002459	Eaves, Hewell Benjamin	06/18/2008
OPT002460	Edwards, Alanna McCalla	06/18/2008
OPT002461	Edwards, Kyle Burke	06/18/2008
OPT002462	Eylar, Anne Marie	06/23/2008
OPT002463	Nayee, Jaymini	06/25/2008
OPT002464	Gauhar, Jveria	06/25/2008
OPT002465	Fortney, Ashley Ayn	06/25/2008
OPT002466	Brooks, Kevin	06/25/2008
OPT002467	Cunningham, Brad Thomas	06/25/2008
OPT002468	Appleman, Donald Paul	06/25/2008
OPT002469	Radu, Ionut	06/27/2008

There being no further business to come before the Board, the meeting was adjourned at 1:05 p.m.

Minutes recorded by:

Ellen J. Morris, *Board Secretary*

Minutes reviewed and edit by:

Sylvia Bond, *Executive Director*

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Kay F. Royal, *President*

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Sylvia Bond, *Executive Director*

The minutes were approved October 22, 2008.